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July 31, 2008

The Honorable Elizabeth D. Laporte
450 Golden Gate Avenue
Courtroom E, 15th Floor
San Francisco, CA 94102

Re: *Network Appliance, Inc. v. Sun Microsystems, Inc.*
Case No. C-07-06053 EDL

Dear Judge Laporte:

I write concerning the page limits for reply claim construction briefs in the NetApp v. Sun case. I apologize for the timing of this request, but NetApp initiated a meet and confer on this issue early this week in the hopes of submitting a joint letter with Sun. It was not until shortly before noon today that Sun finally took a position and stated it would seek 40 pages for its reply brief.

The Court previously granted the parties' requests to file principal claim construction briefs not exceeding 45 pages, an increase from the default 25-page limit. Given the expanded briefing thus far, and the scope of the issues, NetApp respectfully requests an increase in the page limit for its reply brief. The default limit for reply briefs is 15 pages. NetApp believes a doubling of that limit to 30 pages is warranted. NetApp believes, however, that the 40-page limit now sought by Sun (nearly triple the default rule) is excessive and would only invite the parties to rehash arguments made in their opening briefs in lieu of presenting true reply material. NetApp respectfully requests that the Court permit the parties to file reply claim construction briefs not to exceed 30 pages.

Respectfully,



Edward R. Reines